

L. A. W.

SUPREME COURT.—WEDNESDAY.
SITTING FOR THE TRIAL OF CASES.

Baron Mr. Justice Dickinson and a special jury of twelve.
DOLAN, DEVINE AND ANOTHER V. WILSON AND OTHERS.
The trial of this case was still continued all day, and will be resumed this morning.

BUSINESS FOR THIS DAY.

Banco Court.—Motions generally. Rule nisi.—In the matter of the application of Godfrey for a writ of prohibition. **Deputies:** Hays v. Fisher, Macdonald v. Schroder, Hardy v. Raymond, Armstrong v. Parkins.

Sittings in Equity.—Motions and Petitions: **Brandon v. Perry**, for judgment. **Equity Cause:** **Carew v. McEneaney**, Sheriff v. Brown, Newton v. Hammond, Wilshire v. Deakin.

INSOLVENT COURT.

Baron the Chief Commissioner of Insolvent Estates.
In the estate of **Francis Cole**, a single meeting. A debt of £4 was proved, and insolvent amended her schedule. Insolvent was allowed to retain her wearing apparel, and household furniture valued at £9.
In the estate of **William G. Higgs**, a single meeting. No debt was proved. Insolvent stated that he had no property whatever beyond his wearing apparel, which the Chief Commissioner allowed him to retain.
In the estate of **John Weber**, a single meeting. No creditor proved. His Honor allowed insolvent to retain his household furniture and wearing apparel.
In the estate of **Anthony Reynolds**, deceased. A special meeting was held, and four debts were proved.
In the estate of **Thomas Allatt**, a second meeting. The debts were allowed, and one stands over for further proof. Insolvent was allowed to retain her length by Mr. Fitzhardinge, and the meeting adjourned until Tuesday.

SURRENDER.

John Augustus O'Brien, of Canterbury, farmer. Mr. McKean, official assignee.

MEETINGS OF CREDITORS.

Thursday, 3.—**Henry Bachfield**, first, half-past 10. **Henry Phillips**, second, 11. **Henry and David Perry**, special, half-past 10. **John Bissland**, adjourned single. **Kenrick Hampson**, adjourned second, 1. **Daniel L. Levy**, adjourned single, 3.
Friday, 4.—**George B. Rogers**, adjourned examination under a rule in reference, 10. **William Pawley**, special, for proof of debt, 12.

CENTRAL POLICE COURT.

Wednesday.
BEFORE THE MAYOR, Mr. Forbes, Mr. G. Hill, and Captain Scott.

Nine persons, convicted of having been found drunk in the streets, were severely fined 10s.; or, in default of payment, to be imprisoned for four hours.
Sidwell Prendergast, **Edward Conner**, and **Mary Ann Evans**, found guilty of having made use of obscene language in the streets, were sentenced to pay 20s. each, or to be imprisoned seven days.

George Fawcett, having been found on the premises of Mr. Penell, at the Globe, where he had no right to be, was sentenced to be imprisoned for one month.
A man of colour, who gave his name as **Scipio Crage**, was brought before the bench charged with having been found ill-gotten on the premises of the Railway Commissioners. There being reason to believe that the man is of unsound mind, he was required to give sureties to be of good behaviour, in order that (in default of sureties) he might be placed under treatment at the gaol for a month.

Charles Johnson and **George Connolly** were summarily convicted of having stolen a tablecloth, valued at 12s. 6d., from the shop of Stephen Dickson, of George-street, draper. **Friedrich Moller**, in the employment of the prosecutor, saw Connolly commit the act of larceny, and hand the article to Johnson, when both went away. Moller reported to Mr. Dickson, who gave information to the police, and prisoners were apprehended. They were sentenced to be imprisoned and kept to hard labour two calendar months.

James Tilley appeared on summons, to answer the complaint of **Margaret Tilley**, his wife, who alleged that he had deserted her, and neglected her, and that, though well able, to contribute towards her support. Complainant stated that, in March last, she was married to defendant at St. Matthew's Church, Paddington, and that he had never lived together; defendant represented to her that he was twenty-three years of age, and in receipt of £3 per week; that he would not be able to live with and keep her until he should be out of his apprenticeship with Mr. Burnett, South Head, and she was to remain until he was released from his apprenticeship, which would be accomplished on the 31st July next ensuing; she did not object to this, and consequently she also remained at her service as long as she was able; she is herself 21 years of age; he never afforded her any means of subsistence, and refused to do so; she went to see her husband at the house of Mr. Roberts; defendant told her that Mr. Burnett asked her to withdraw this proceeding and he would support her hand three months; Mr. Burnett told her that James could not support himself much less her; she never saw any money in his possession; he told her that his mother was dead, and that his father lived somewhere in the country; at the wedding defunct was given away by a soldier, and she was given away by a fellow-servant. Mr. Roberts then addressed their Worships, and without at present disputing the validity of the marriage, submitted that they had no jurisdiction in such a case, and it was not such one as was contemplated by the Legislature in the passing of the Deserted Wives and Children Act. Defendant is yet an infant in the eye of the law, having no property, nor any means whatever, beyond the gratuity his master may think proper from time to time to bestow as a reward for industry or good conduct. To make an order for money payments under such circumstances would be to order that with which compliance would be utterly impossible. The Court provided a remedy for "deserted" wives, but it could not be said that his client had ever "deserted" the complainant, for not only was he never yet of possession of her, but he was never yet still in the possession of his master. Their Worships intimated their intention of postponing the case in order to take time for consideration whether or not the marriage of the parties was valid, for if so they would have no hesitation in making an order for making such an order as the maintenance of Mr. Roberts said that if their worships took that view of the question it would be his duty to take a point of which he had not intended to avail himself—namely, that the information, not having been sworn to, and being contradicted by the worships' non-jurisdiction. This was found to be the case, and the information was dismissed. Their worships intimated to complainant that should she be advised to renew her application, she might have a fresh summons free of cost.

WATER POLICE COURT.

Wednesday.
BEFORE THE WATER POLICE MAGISTRATE AND CAPTAIN McLean.

Henry Chase, **Eliza Wilson**, **Richard Butler**, and **Thomas Clark**, were convicted of drunkenness, and fined 10s. each; in default twenty-four hours imprisonment.
Alfred Hendoch, **Christian Roch**, **Ferdinand Blohm**, and **William Marten**, were convicted of wilful disobedience of the lawful commands of the master of the Dutch ship **Electra**, and sentenced to four weeks' imprisonment.

Julius Theodore Shultz was charged with having enticed certain money received for and on account of his employer, **John Levy**, watchmaker, of Gloucester-street, for whom he had lately been employed as clerk and workman, and acting for his master, that the latter was absent from his place of business, and that he had been absent for two days at Parramatta, on his return he learned that the sum of £4 had been received for the repair of thirteen watches, and 12s. 6d. for one watch; that prisoner had left the shop, and after the plaintiff had sought for him at a public-house in Gloucester-street, as part of the receipts which was refused, when he offered to get the rest of the money in the morning. The purpose of receiving the money, and other charge against him was on the list, he was remanded till to-morrow (Friday).

PUBLICAN RECOGNITION.—The Mayor and Alderman Hill have arranged to be in attendance at the Central Police Office, at 11 o'clock on Friday (to-morrow), for the purpose of receiving the names of those persons to whom licenses were on Tuesday last either granted or transferred.

LIVERPOOL BRANCH BIBLE SOCIETY.

[FROM OUR CORRESPONDENT.]
The second annual meeting of this Society was held in the Court-house, Liverpool, on the evening of the 1st September, 1857. The meeting was attended, and able addresses were delivered by clergy, and others from various denominations. The chair was taken by Mr. W. H. Lane, J.P., the president of the Society.

The advertisement convening the meeting having been read, the proceedings were opened by the Rev. W. C. Cooper reading Isaiah lv., and offering up the Lord's Prayer.

The Chairman then rose, and having offered a few remarks, called upon the secretary to read the report.

The following was submitted:

THE SECOND ANNUAL REPORT OF THE LIVERPOOL BRANCH BIBLE SOCIETY.

It is laid down as a rule in Holy Scripture, "Whatever ye do, do all to the glory of God." In the spirit, therefore, of this precept, the Liverpool Branch Bible Society, during the year 1856, has endeavoured to place before the public a report of its proceedings, and to show the progress of its mission. The report is divided into two parts, the first of which contains a general statement of the Society's work, and the second a detailed account of its financial position. The report is a valuable document, and one which should be read by all who are interested in the progress of the Bible Society.

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INUNDATIONS IN FRANCE, IN 1856.

The following dispatch has been received by the Governor-General from the Secretary of State, in reply to one in which his Excellency forwarded a bill for the relief of the sufferers by the inundations in France, in 1856.

No. 58. Downing street, 19th May, 1857. Sir, With reference to your despatch, No. 27, of the 6th February last, forwarding a bill for £427 12s. 3d., for the relief of the sufferers by the inundations in France, last year, I transmit to you the copy of a letter (13th May, 1857), from the Foreign Office, with the copy of a note from Count Walewski to the British Ambassador at Paris, in relation to the receipt of the money, and I have had much satisfaction in being the medium of communicating this mark of sympathy on the part of the Government of New South Wales to the sufferers in France. I have, &c., H. LAURENCE, GOVERNOR SIR WILLIAM DUNSTON, K.C.B.

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PARLIAMENT OF NEW SOUTH WALES.

LEGISLATIVE COUNCIL.
Wednesday, 2nd September.

The President took the chair at ten minutes past four.

MINISTERIAL EXPLANATION.

MR. DEAS THOMSON rose to inform the Council of the receipt of a despatch from the Secretary of State, in relation to the bill for the relief of the sufferers by the inundations in France, last year, I transmit to you the copy of a letter (13th May, 1857), from the Foreign Office, with the copy of a note from Count Walewski to the British Ambassador at Paris, in relation to the receipt of the money, and I have had much satisfaction in being the medium of communicating this mark of sympathy on the part of the Government of New South Wales to the sufferers in France. I have, &c., H. LAURENCE, GOVERNOR SIR WILLIAM DUNSTON, K.C.B.

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asked for was only one of inquiry, and he trusted that would be no opposition. If any one thing more than another would show the claim the Australia had for the protection which would be afforded, he would point to the statements of the press, when speaking of the shortness of the period in the Treasury of the Bank of England, added that three ships with gold were expected from Australia. He thought her Majesty's Government would be glad to yield the boon if properly sought. He would only add, that it was quite clear that the colonies did labour under disabilities at present in consequence of their being subject to the Indian land command; for when he had occasion last session to ask his hon. friend the member for the Government as to the steps to be taken in reference to the supposed shipwrecked people on Woodlark Island, the answer was that it was beyond the jurisdiction. If so, it was high time that some change should be made.

The motion was seconded, and put from the chair, and carried without division.

SUPREME COURT.
On the motion of Mr. ISAACS (for the Chief Justice), the names of Mr. Norton and Dr. Douglas were added to the Committee on the Supreme Court arrangements.

TRUST BILL.
On the motion of Mr. KNOX, Mr. Mann's Trust Bill was referred to a select committee, consisting of Mr. Lutwyche, Mr. Spence, Mr. Hood, Mr. Towns, and (Mr. Knox) the mover.

TITLES.
Sir ALFRED STEPHEN moved that the House resolve itself into a committee of the whole, to consider the Titles to Land Bill. In doing so, he wished to be more accurate than he had formerly been as to the origin of this Bill, which was introduced in 1840, and to the late Legislature, early in 1849; he had in his hand the Bill originally introduced by Mr. Lowe; that Bill was referred to a committee, and that committee reported in favour of the Bill, and in October in the following year another committee was appointed, and again there was a progress report. In 1851, it was thought desirable that all the suggestions of witnesses should be gone through, and a Bill framed upon the basis of the evidence. He was not sure how presented was the same which passed last session.

The motion having been seconded and carried, the President rose, and the House went into Committee. The title and preamble of the Bill having been postponed.

Sir ALFRED STEPHEN moved the adoption of the first clause of the Bill, the object was to reduce the period at which actions might be brought from 20, and 10 years, as fixed in England, to 12, and 7 years. In support of his view, he embodied in the clause of the Bill, Sir Alfred Stephen read at length from the evidence of witnesses examined before Messrs. Wentworth, Darvall, Nicholas, and Hamilton, who were the Committee of the former Council. The witnesses were Mr. Johnson, Mr. Millyer, Mr. Doreilly, Justice Milford, Mr. Holden, Mr. Norton, &c. The hon. member learned member concluded by expressing a hope that his hon. and learned friend opposite would attach some weight to the opinions he had quoted.

Sir W. W. BURTON opposed the adoption of the clause, at very considerable length, the object of it, he said, to confer in the possession of landed property, by law, the rights which in fact, and which were the rights of the people. He was for some years a Judge at the Court of Good Hope, and there the people had got into just the same difficulties about their titles as they had here. There was a colony there was a Court of Claims which might be resorted to. With respect to the names that had been brought forward in support of the Bill, he would say that although most of the names were on this subject different from his, they were men of high respectability. Nevertheless, he could not but look on this Bill as the result of a favourite theory. It was the theory of the committee, and the witnesses summoned before the committee were those who were known to be favourable to it. There had been no petitions in favour of such a measure; and in concluding the hon. and learned speaker expressed his intention of opposing the measure.

Mr. WATTS supported the measure. The object was not to confirm dishonest holders in the possession of land against rightful heirs, but to prevent persons who had honestly acquired their rights from being ousted and improved it from being disturbed.

The President recalled that a similar measure was very happily brought forward in 1849 by Mr. Lowe, whose experience in the colony in no way justified his opinion that the measure was not wanted. If they broke down those land titles, which they had in the laws of England, they did not know where they were to stop. There, moreover, had accomplished what Mr. Lowe then proposed. The Bill, Mr. Norton said, was an array of names which were added in support of the Bill, he thought it was only a matter of opinion, and that the views of one was entitled to as much weight as the another. He was not sure that he could export a good title at a sheriff's sale—and if people were such fools as to purchase land under such titles, that was no reason why a fundamental change should be introduced into the law of the colony in general. If in the old days of the colony people had titles, they got them with their eyes open—they got them in order to have good bargains. As to the people who got a second time in the colony, having wives and families, and children, and as to them to make wills, and if they did not do this then the same laws which applied to their case in England ought to apply to such cases in this colony. As to the proposed change in the law of limitation, he thought that if they departed from the periods fixed by the laws of England, it mattered not what time was fixed. He for one would not be a party to any such change.

Dr. DOUGLASS opposed the reduction of the time of limitation. If a man had a good claim to land, he should be allowed the longest time possible to assert his claim. What had occurred that there should be less time than there was a good claim to land? It was all very well for gentlemen of law to argue for reducing the time of limitation on the ground of lessening litigation; but the people at large could not understand how they should be allowed less time to prove their just claim than was allowed by the laws of England. He, for one, objected to any less time of prescription than the mother country gave.

Mr. WISE said that, judging by the strain of the hon. members, one would think that no change had ever taken place in England in the law of limitation. By the law of 1832 no less than seventy writs were done away with by the late Government. In this matter was altered by the British Parliament. He could not conceive that a man had any inherent right to any particular number of years—to thirty, seventy, or ten. The hon. member was there to be a period? The object, as he understood it, was to put a stop to litigation; and for that purpose it was necessary to fix a limit. A shorter period was desirable in this colony than in England, because here lands were continually changing hands. If they could reduce the liability to litigation they increased the value of property to the individual and to the State. The argument that the law ought not to be altered because such and such a law existed in England was not entitled to weight, inasmuch as it was for them to consider the object they had in view. They were legislating for this colony, and they should consider the peculiar circumstances of the colony. He trusted that, this being a step in the right direction, it would meet with approval.

Mr. NORTON approached the question under some disadvantage, inasmuch as he was about to oppose a measure which had been supported by the hon. member (Dr. Douglas) seemed to think that there should be no limitation to the assertion of just claims; but this idea was a mere delusion. The hon. member of limitation must be considered in reference to the peculiar circumstances of the population of the country, and the peculiar conditions under which land was held. Let them consider the early colonial times when in many instances the early colonists occupied the land by force and ignorance and want of the persons who in later years were the owners of the land. It was in fact, in many instances, a title under which was in force, very few titles indeed would be secure. He looked not only to the arguments addressed to the consideration with the House, but he looked to the chief concern? That land should be rendered easy of transfer, he admitted; and while he thought that the peculiar circumstances of the colony called for limitation, he

also thought that a measure should not be regarded as a reason why the time should be extended. The difficulty of finding boundaries, which necessarily was experienced in this country, he regarded as a reason why the time should not be contracted. He was not sure that the line should not be made known, he thought that even a shorter period than fourteen years ought to be sufficient. At the same time he did not wish the present period of twenty years to be reduced.

Mr. HOLDEN contended that the arguments in favour of the clause would do to destroy the policy of the statute of limitations in England. His policy was, that after the lapse of a certain period of time, the title should be vested in the possessor of the land. In following the policy of the Statute of Limitation, they were following English law, and the only other question which could be raised as to whether there were peculiar circumstances in this colony which called for a greater extension of the time. He had heard no arguments against the reduction of the period of limitation; and so far as he had been enabled to ascertain, it was believed that he had been successful in his object. In England, he concluded to the public good. The framers of the Bill simply adopted the principles of the English statute; but they considered that the circumstances of the colony required that the time should be less than in England. That was his opinion, and on that ground he supported the Bill.

Mr. WATTS thought the opposition to the Bill was based only on a slavish adherence to the laws of England.

Sir WILLIAM BURTON wished to know where was the evil which arose during the period of twenty years during which the existing laws were in force? He was not sure that the law of England, as it stood at present, was the law of England, had produced injustice? Had any petition been presented for the amendment of the existing laws? He was not sure that the time had been shown that the operation of the law was surrounded by difficulties. The fact that land in this colony was regarded more in the light of personal property than in England was a reason, in his opinion, why they should legislate with care. He was not sure that the law of England was the law of this colony. He was not sure that those who were for a slavish adherence to the laws of England; but where these laws could be followed with advantage, they ought to be followed. He was not sure that they should adhere to the time prescribed by the English Act.

Sir ALFRED STEPHEN replied: Had he anticipated the opposition which he was now meeting, he never would have undergone the labour which the bringing it forward had entailed. As to the assertion that no instance of the unjust operation of the present law had been shown, he said that, what he did not find in the evidence, he could find in the way of mentioning names and circumstances, he could enumerate a great number. The statement that there were no petitions carried out, inasmuch as the hon. member said that those who stood most in need of assistance were frequently most apathetic as to obtaining relief. When it was said that no reasons had been adduced for showing the time of limitation here, one was to think that hon. members had said their eyes to everything which did not go to support their own views. He would recapitulate some of the reasons. They were—their own evidence, the evidence of the witnesses, the changes which took place in the proprietorship of property, the rapid changes in the value of property, the fact that there was a vast number of cases in which the title was in dispute, and which could only be rendered good by time; that there was a greater probability of heirs coming from home when property had become valuable, and the law of England, he would say, was the law of the colony. He would say, like the Hon. member, that he was not sure that the law of England was the law of this colony. He was not sure that those who were for a slavish adherence to the laws of England; but where these laws could be followed with advantage, they ought to be followed. He was not sure that they should adhere to the time prescribed by the English Act.

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As to the people who got a second time in the colony, having wives and families, and children, and as to them to make wills, and if they did not do this then the same laws which applied to their case in England ought to apply to such cases in this colony.

As to the proposed change in the law of limitation, he thought that if they departed from the periods fixed by the laws of England, it mattered not what time was fixed. He for one would not be a party to any such change.

Dr. DOUGLASS opposed the reduction of the time of limitation. If a man had a good claim to land, he should be allowed the longest time possible to assert his claim. What had occurred that there should be less time than there was a good claim to land? It was all very well for gentlemen of law to argue for reducing the time of limitation on the ground of lessening litigation; but the people at large could not understand how they should be allowed less time to prove their just claim than was allowed by the laws of England. He, for one, objected to any less time of prescription than the mother country gave.

Mr. WISE said that, judging by the strain of the hon. members, one would think that no change had ever taken place in England in the law of limitation. By the law of 1832 no less than seventy writs were done away with by the late Government. In this matter was altered by the British Parliament. He could not conceive that a man had any inherent right to any particular number of years—to thirty, seventy, or ten. The hon. member was there to be a period? The object, as he understood it, was to put a stop to litigation; and for that purpose it was necessary to fix a limit. A shorter period was desirable in this colony than in England, because here lands were continually changing hands. If they could reduce the liability to litigation they increased the value of property to the individual and to the State. The argument that the law ought not to be altered because such and such a law existed in England was not entitled to weight, inasmuch as it was for them to consider the object they had in view. They were legislating for this colony, and they should consider the peculiar circumstances of the colony. He trusted that, this being a step in the right direction, it would meet with approval.

Mr. NORTON approached the question under some disadvantage, inasmuch as he was about to oppose a measure which had been supported by the hon. member (Dr. Douglas) seemed to think that there should be no limitation to the assertion of just claims; but this idea was a mere delusion. The hon. member of limitation must be considered in reference to the peculiar circumstances of the population of the country, and the peculiar conditions under which land was held. Let them consider the early colonial times when in many instances the early colonists occupied the land by force and ignorance and want of the persons who in later years were the owners of the land. It was in fact, in many instances, a title under which was in force, very few titles indeed would be secure. He looked not only to the arguments addressed to the consideration with the House, but he looked to the chief concern? That land should be rendered easy of transfer, he admitted; and while he thought that the peculiar circumstances of the colony called for limitation, he

also thought that a measure should not be regarded as a reason why the time should be extended. The difficulty of finding boundaries, which necessarily was experienced in this country, he regarded as a reason why the time should not be contracted. He was not sure that the line should not be made known, he thought that even a shorter period than fourteen years ought to be sufficient. At the same time he did not wish the present period of twenty years to be reduced.

Mr. HOLDEN contended that the arguments in favour of the clause would do to destroy the policy of the statute of limitations in England. His policy was, that after the lapse of a certain period of time, the title should be vested in the possessor of the land. In following the policy of the Statute of Limitation, they were following English law, and the only other question which could be raised as to whether there were peculiar circumstances in this colony which called for a greater extension of the time. He had heard no arguments against the reduction of the period of limitation; and so far as he had been enabled to ascertain, it was believed that he had been successful in his object. In England, he concluded to the public good. The framers of the Bill simply adopted the principles of the English statute; but they considered that the circumstances of the colony required that the time should be less than in England. That was his opinion, and on that ground he supported the Bill.

Mr. WATTS thought the opposition to the Bill was based only on a slavish adherence to the laws of England.

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which was, no doubt, the object he was driving at—a motion of want of confidence in the Ministry. It was just possible that a majority might be got to carry out his motion, and that the Government would be ousted. His confidence was shaken in the present Ministry. It would be a long time before he could think of placing confidence in that hon. member (Mr. Cowper). (Ironical cheers from the Opposition.) Waterhouse's assertions were made in the newspapers within the last few days respecting the opposition of the squatters members, he had already stated his reason for that opposition in one of the papers, and there was now no ground for a repetition of that statement. He would merely mention that he refrained from voting on Thursday night on an occasion when the Government was beaten, and he had done so because he felt he could not conscientiously vote for increased expenditure asked for on that occasion. (Hear, hear.) That was his reason for not voting. He confessed he felt himself annoyed when, on the next morning, he found in the paper which he believed to be the Minister's organ, that all the column was thrown upon the squatters, and that they were charged with delaying the business of the country. He felt annoyed, and justly so, that the squatters, as a class, should be accused of selfishness, and that they had been allowed to have their voice in the settlement of a question which had not yet come before the House, but which was alluded to as to the cause of their absence. A more unusual and unwarrantable argument could not be conceived. It might be deduced from that that when he was selected to represent a constituency containing two hundred squatters, it was properly supposed

Mr. DARVALL rose to move an adjournment of the debate, and he would briefly state the

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LOFTY.—This splendid Cart Stallion will stand the coming season at Dunroon, Queen'sboro, Tenn. He is now mare, \$3.75 a day; two or more, the property of one individual, \$2.50. **LOFTY** is a very rich dapple gray, 17 hands high, 8 years old, and is of immense power and strength. He was got by the imported horse "Farmer's Victory" out of a Maryland mare. His stock are fully well up to himself, and have been sold at very high prices.